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THE
CASE
OF
DISSENTERS

As Affected by the Late

BILL, &c.



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BILL

Proposed in

PARLIAMENT,

For Preventing

Occasional Conformity.

By a Gentleman.

L O N D O N:

Printed, and Sold by *A. Baldwin*, near the
Oxford-Arms in *Warwick-Lane*, 1703.

THE
CLASS
OF
DISSENTERS

BILL



PARLIAMENT

For Preventing
Occasional Conformity.

By A. Gordon

LONDON:
Printed, and sold by A. Baldwin, near the
Old Bailey, in Newgate Lane, 1703.

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THE
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THE *Spaniards* use to glory in the wide Extent, and pure Catholicism, of their Dominion; the *Italians*, from a Pretension of Superior Politeness and Sagacity, condemn all *Tramontanes*; the *Modern French* make to themselves a daily Triumph of the Successes of their Grand Monarch; why may not my Countrymen as well exult, that the Laws, by which we are governed, are no other than such, as our selves, by a due Representative, have chosen? Oh happy *England*! May thy People esteem, as it deserves, a Benefit so singular; may that Noble Representative of thine, called to be Guardians of this Blessing, never want Foresight to discover, and Prudence to prevent, the Dangers which may arise to threaten it.

The ordinary Method with us is well known to be, that the Addition of new Laws, or Amendment of old ones, are proposed first by the Commons of *England*, and immediately publick Notice given when the same are to come under a solemn Debate; which being several times adjourn'd, there arises Opportunity sufficient, for the Subjects from all Parts of the Kingdom, to communicate to the respective Members of Parliament, their Opinion severally there-

thereupon; so that in this respect seldom any thing of Importance is concluded concerning the good People of *England*, without their own tacit Consent at least, over and above the Benefit of their being represented in common. Such being then the Case, we cannot celebrate enough our Happiness; we may basely overlook, but once to lose it, would be Misery to us beyond Expression.

'Tis frequent moreover, for our Laws to be made temporary first, till the Experiment of a few Years has recommended them for perpetual. As for those of the highest Concern, when the Benefits or Effects are liable to Doubt, we have seen some Bills undergo the Scrutiny of several succeeding Sessions of Parliament before they passed the Signature of Authority. Sometimes also our Courts of Legislature, when the Inducements and Reasons of a Bill were not obvious to common Eyes, or at least liable to Misconstruction, have thought good to lay the same before the Publick, that their tender Regards of general Emolument might the better appear.

Having observ'd various Methods of our Propitious Legislature, an Instance of several of them, but more especially the latter, we are here to consider, I mean the late Bill for Preventing Occasional Conformity, which was so differently apprehended in the last Session of Parliament, as no Debates during it were able to reconcile; but that Matter is of such Concern, that the Proceedings thereupon being printed by Authority, it seems not unworthy every true Lover of his Country, to put the same into the best Light possible, in order to frame a right Judgment, how a Bill like unto that (if at any time hereafter such should be proposed) may affect the Commonweal; seeing the Opinion which shall prevail thereof, there can be no doubt, will be duly weighed by our Representatives; and because one Intention of our Lawgivers, in publishing the Account of their Proceedings upon that Bill, might be (not improbably) the better to collect the common Judgment on it, a Desire to be assistant unto that, with a Concern lest unhappy Animosities should grow among us, did engage me to draw into a clear and familiar Method of Discourse, what is very obvious touching that Matter.

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The Bill, which is the designed Theme of what follows, I understand such as it passed last Session the House of Commons, with the several Amendments agreed afterwards, touching which, that my Argument may be the more distinct, I take the Liberty to digest it under Three Heads, which are easily discernable on reading the said Bill, *viz.* The Preamble, Extent, and Penalties, due Reference being had thereto; however, these few things ought to be premised, *First*, That the whole of it is Prudential and Political, not censuring directly the Persons and Cause of the Dissenters beyond the Point of bearing Offices, nor interdicting any to be present at their Assemblies, except such as are engaged in the Magistracy, or Places of Trust, thereby leaving the Matter of Conscience as it stood before. *Secondly*, The Communion of the Lord's Supper is considered herein as a Discrimination meerly civil; so that tho' Papists and Protestant Dissenters are excluded from Offices thereby, yet is there no Provision by the Law to render the same a Barr to the Prophanes and Scandalous; which is a Consideration seems to concern the Honour of the Church of *England*, as well as the good Administration of the several Trusts, to which it initiates: But because, *Thirdly*, Several Cases in Religion might be reducible under the Subject of this Bill, I shall comply with the obvious Intention of our Lawgivers, and confine my Discourse as much as may be to a Secular Vein. To proceed therefore to the Bill.

First, Touching the Preamble of it, it were not easie, peradventure, in so few Words, for our Supreme Governors to have given more Satisfaction to scrupulous Consciences than in the Religious Declaration, that serves as an Introduction here; because therein the Sense of the present Government appears, that those Severities, under which the Dissenters groaned, before the late Act of Indulgence, *were then to be deem'd Persecution for Conscience sake*; under which Acceptation it is, that their Exemption from them for the future (unless new Matter of Secular Offence to the Government arises) is to stand upon Foundations no less safe, than *the Profession of the Christian Religion, and particularly the Doctrine of the Church of England.* This
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is the highest Attestation can be, that the Dissenters are no longer to be look'd upon *obnoxious to the Church and State, or chargeable with Schism, Sedition and Rebellion*, as the former Laws (now suspended) did insist they were; so that the Reason given by those Laws ceasing, and since it is on all Hands agreed, great Advantages have accrued from the Act of Indulgence, they may henceforth expect, with the rest of their Fellow-Subjects, to partake the Serenity and Benignity of a Government, which in all other things ever was, and now is, the most clement under the Sun. Thus is the Bond of engaging Goodness laid upon them for ever; so that as since the late Glorious Revolution they are found equally affectionate as others, to the Interests and Settlement of the Crown, all the former stigmatizing Brands upon them are done away.

As to the Recital of the present State of Law, which follows the Religious Declaration, (*that it provides already, every Person admitted into any Office, should be conformable to the Church*) the Words of it cannot be taken in the strictest Sense, *there being many Offices and Employments, to which Persons have been, and may be now, admitted, without lying under an Obligation to receive the Sacrament, or be conformable on that Account: For instance, Offices of Inheritance, and in the Forests, Non-Commission Offices in the Fleet, with many more; therefore what is asserted in this Paragraph in the general, we must understand to relate to such Persons and Offices only as are subsequently mention'd in the Bill; but if those who break the Intention of a Law, break the Law, it were fit and desireable that no Words (if possible) might be used in any, which in the Sequel may lead Men into Mistakes, touching that Intention.*

The last Clause of the Preamble gives a very just Description of the Case, which the Bill is designed to bring a Remedy for; that is to say, *No Man ordinarily frequenting private Meetings, should qualifie himself for an Office, by receiving only on that Account the Sacrament with the Church.* Now that nothing however be understood beyond the natural Sense of the Words thereof, I take these Two Things not to be absolutely concluded in them. First, That whilst Conforming only for a Place has a Brand of Scandal affixed
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on it; yet it does not follow that Occasional Conformity otherwise (without such Design) ought to be reproach'd; for as to such Persons, who join themselves to their Christian Societies severally, as taking the Conduct of them to be most agreeable to the Word of God, and because it pleases the Sovereign Spirit of Grace to co-operate more evidently upon them therein, for such to go sometimes to a Divine Service, different from what they frequent and chuse, is an Expression of Charity to others, and ought not therefore to be blamed. *Secondly*, It can no Ways be taken for concluded, that a Censure upon the Conformity in this Bill mention'd, does imply *going to a Meeting to be malum in se, or savouring of Faction, or Criminal, Illegal, and Schismatical*, as the superceded Laws did constantly assert; for the mention of it, as allowed by Law, does demonstrate the contrary; the manifest and primary Purpose of this Bill being rather to keep Dissenters from the Church, than others from a Meeting; however, the mutual Freedom in this Point, to the great Glory of our Times, favours of that charitable Moderation, so remarkably eminent in the Primitive Ages of Christianity, as to occasion those Universal Laws in the *Creed*, for every one *to believe the Holy Catholick Church, and the Communion of Saints*.

Secondly, The enacting Part of this Bill, I term the Extent of it, because it describes both the Crime and the Offices thereby to be affected, whereof distinctly; first then for the Crime, the Definition of it herein is the same with that *in Two several Acts, to prevent and suppress Seditious Conventicles*; and 16 and 22 Car. II. so that what was criminal by them to all Persons, becomes again so by this Bill to those in Office; the Qualification for Offices by express Terms of Law required at present, is, in this respect, no more than once previously to receive the Sacrament with the Church; but the Conformity which would be required herein, is, (besides that) *never, after once taking an Office, to be present at any Conventicle or Meeting, under Colour or Pretence of any Exercise of Religion, in other manner than according to the Liturgy and Practice of the Church of England, where five (more than the Family)*

shall be. This is a sort of Qualification for Offices widely different (as any may see) from what the Law requires now; and we must observe, that throughout the Bill such Terms are only used as have been commonly appropriated to Protestant Dissenters; however, to be present at Mass is tacitly included.

We do not go about to intimate, That the Injunctions of the Law at present, *to receive the Sacrament according to the Rites and Usage of the Church*, do not in the primary Meaning of them imply, that the Persons ought to be of that Communion; however, none can deny, but they will very well bear a larger Sense also; whereby none ought to be excluded Offices, who can give a publick Testimony they esteem a Communion with the Church lawful; which latter Acceptation of the Laws, though the generality of Dissenters stand Excluded by it, has all along, for 40 Years past, brought into the Service of the Government (without very visible, ruinous, Effects) no inconsiderable Number of Men, whom the proposed Bill in all Appearance would finally render incapable.

Whether it may be for the publick Benefit any longer to suffer the same Latitude in reference to Dissenters, belongs only to the Supreme Powers to judge; but granting here that it were not, we do with all Humility offer to Consideration, whether *gentler Methods be not more agreeable to the English Temper, Constitution of Government; nay, and the Interest of State, so the End may be duly attained*; in the Case then before us, if the Government for Example should require from the establish'd Church, instead of one previous Communion (which is all in the Law express'd) that Men in Office should attend Four times Yearly, or oftner, at the Sacrament, would it not be equal Security to the State, and greatly for the Honour of the Church, but give no Matter of Offence or Jealousie to Dissenters? Whereas if the Qualification for Offices is to consist not so much in frequent and devout Attendance on the publick Celebrations, as in a Distance and Aversion to Dissenters, *this cannot but minister just Cause of Fear, that those Assemblies, at which once to be*
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present, exposes to so great a Censure, are not likely to continue long allowed by Law.

No Man can doubt but a Censure of this kind would prove a Notorious Mark of Infamy upon the Assemblies of Dissenters, and in that respect would affect them beyond the Case of Officers; and the revived Definition of a Conventicle, being under the Pretence and Colour of the Exercise of Religion, (it deserves to be consider'd) whether it might not be construed to allude to, and imply, somewhat of those dangerous Practices the Suspended Laws have connected with the said Definition; but there are other obvious Inconveniencies in this new Method of Qualification, for it would expose more a great deal than the present Way (as will be shewn elsewhere) to the predatory Mercy of Informers; it debarrs the common natural Respects of Relations, in Baptisms, Funeral Sermons, and the like: It casts a bazardous Discouragement upon Family Prayer, whereat often, among Persons of Quality, and sometimes others, more than Five may happen to be present; and it brings all Foreign Churches under a Censure too; whereas the Act of Uniformity provides, that the Penalties thereof should not extend to any Reformed Churches of Aliens, allowed, or to be allowed, by His Majesty or His Successors; some such have since had Encouragement for their Settlement from Parliament, and have proved beneficial in Manufactures to this Kingdom, toward which their Liberty of Conscience, without Reflection, has not a little contributed.

The second Distinction I have made of the Extent (or enacting Part, of this Bill) is of the Offices intended by it to be affected, which clearly falls under a twofold Definition, one the same with that in the Act, 25 Car. II. For preventing Dangers which may happen from Popish Recusants; the other of the 13 of Car. II. For well governing and regulating Corporations. Now because this seems the most tender and sensible Part of the Bill, most liable to Mistake, and upon the right Apprehension whereof our Judgment of the whole must very much depend; before I descend into a Disquisition of it, I beg leave to deviate

a little from the just Method of Discourse; and therefore before I endeavour to prove what the Bill, under this Head, would have enacted — new, I will first lay down and consider the Reasons commonly alledg'd, why the same ought to be.

What is commonly alledg'd, as the Ground of the new Provisions in this Bill, amounts to thus much; that a National Church being absolutely needful to a Government, the only effectual Way to preserve it, is by keeping the Civil Power in the Hands of such whose Practice and Principles are agreeable thereto; and that this is equally necessary to the Safety and Peace of the State likewise; but say they, the present Laws proving too weak to secure those Blessings, because they are eluded by Occasional Conformity, therefore there wants some new Expedients to support them; these Maxims we can readily grant; so far as the Security and Peace of the State appear undoubtedly concern'd, so much is allowed on all Hands for incontestible; but the Matter in question before us seems to be, whether Occasional Conformity of Dissenters has really endanger'd the Safety, and violated the Peace, of Church and State? Or has any Principles in it disagreeable therewith? Which Matter cannot yet be taken for concluded, as the Proceedings of Parliament publish'd do evince, and whereof therefore the present Juncture and Occasion gives Liberty to speak.

In order to examine then this Matter aright, we think proper to distinguish the Relation which the Occasional Conformity of Dissenters may bear to the Church and State severally; first therefore in Reference to the State, *Occasional Conformity* (it may be agreed to us) *is no new thing, but even Coeval with the Act of Uniformity it self; so that in 40 Years Experience, if it were evident that Injuries to the Peace of the Government had arose thence, how came it to pass they should be overlookt so long?* But while several Ways were taken to enjoin Conformity, how Occasional soever, it was in no kind before made Penal to approve it, tho' thereby Offices were attained; after such a large Attestation from Fact,
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it would be needless to say, Occasional Conformity of Dissenters has in it self no Principles dangerous to the Peace of the Government, if there were not another sort of Conformity which does obstinately maintain such as withdraw Men from their Allegiance to Her Gracious Majesty, and from all Respect to the present Establishment of the Crown; but as to Principles, further than is obvious from Practice, it is not my proper Province to discourse, that being already sufficiently treated of by Divines.

If the Time past has not produced a Necessity of any new Provision against Accidental or Occasional Conformity, I think we may be confident the present much less does; for if the Laws already in being do intend that Men in Office should be entirely conformable, Her Gracious Majesty has assured all the World there can be no Danger from Occasional Conformity in this Auspicious Reign, by these Words of Her last Speech to the Parliament; *I shall always make it my particular Care to Encourage and Maintain this Church as by Law establish'd, and every the least Member of it, in all their Just Rights and Priviledges.* And now having deliver'd my Sentiment, upon Observations of the past and present Time, to go further would be to wade into the Politicks beyond my Depth. I can say nothing certain of Futurity; but since the Dissenters are known, beyond doubt, to be very cordially affected to the Protestant Succession, methinks whatever Qualifications may be judged requisite for Places of Magistracy and Publick Trust, they may well expect (beyond a Provision for that) no Hardships will be laid upon them now.

2dly, To consider Occasional Conformity in Reference to the Church, it might suffice to say, the Affairs of it (distinct from those of the State) do no Ways lye under the Cognizance of such, whom that may vest with Government; but for what properly concerns the Honour and Welfare of the Church of *England*, the first Words of this Bill do imply, that her greatest Glory consists in the Character of Moderation, Sweetness, and Charity,
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truly Christian and Apostolick, and very justly, for this would recommend her to all the Reformed Churches of Christendom, as worthy to be acknowledg'd their Chief and Best. In the Reign of Queen Elizabeth, all the Papists in England came to Church, and were Occasional Conformists, yet the Government was not Uneasie, and in Danger, by it; but the Pope fearing what that was like soon to grow to, put a Stop to it by Bull, and the Church of Rome does generally to this Day encourage every thing like to Occasional Conformity of Protestants; and the Effects shew they are in the right, and gain their Ends by it. In like manner, can it be thought that the Church has gained from any sort of the Dissenters among us, as from those who have allowed and practiced an Occasional Conformity with her? Has she not, by permitting it, obtained many useful and worthy Members? Does not the Practice of it weaken the Dissenters, and encrease her Reputation and Authority? Where then has been the Damage to the Church from Occasional Conformity? It would be difficult to shew what Security, Honour or Interest, she hath lost, during the greatest Indulgence to Dissenters in the late Reign, of any thing she possess'd before that time, during the unspeakable Sufferings of others; therefore it must be an Accession of Honour and Safety unto her, that she is now by Clemency become revered of those who formerly were suspected for her Enemies.

Having thus made Enquiry, what Reason there is to apprehend that the Safety of the Church and State has been, or is, endanger'd by the Latitude allowed to Dissenters, from the present Condition of the Laws; I proceed, according to promise, to enquire what Alteration would arise on the Head of Offices from the Bill now under Consideration; which I shall do in Two Denominations of them; I mean those comprehended in the Test Act, and those peculiarly affected by that for regulating Corporations; premising here only, that the Offices of the latter sort, which do directly fall within the Test, I judge better to consider in that Denomination, because thereby

thereby what remains will be more distinct and intelligible, when we handle it apart.

1st, For the Test Clause, which is the former in this part of the Bill, without reciting the Words of it, we may be allowed to say upon good Authority, That manifestly and indisputably it does comprehend all the considerable Offices and Employments of Publick Trust in the Kingdom, in which the Security of the Government may be concerned; the Experience of 30 Years past has justified the Measures taken by that Law, that it is extensive enough as to the several sorts of Offices for Publick Security; the Terms of it are express, clear, and universally understood, without any Uncertainty as to what Employments it relates, which is not so evident in those of the Corporation Act; the said Act includes all Offices of Magistracy, in especial, as well within Corporations as without; and at the enacting of it there was little Regard had to the Act for Regulating Corporations, because a more effectual Security to the Church was given hereby. It cannot be taxed as insufficient to compass the End designed by it, which was expressly to prevent Dangers that might happen from Popish Recufants, and to exclude from Offices all others who will not take the Sacrament according to the Usage of the Church established. After this Manner, and in a due Medium, as would be easie in another sort of Discourse, to make appear the Safety and Peace of Church and State, have been fully provided for; nor have the Measures of it to procure those been any Ways (in particular the Penalties) found deficient.

This Act being so extensive and compleat, that it reaches whatever Offices concern the Safety of the Government, and is not deficient in any Means to attain its End. If Dangers should from Occasional Conformity arise, it were easie at any time to enjoin such Frequency at the Publick Offices of the Church, as might denominate an entire Conformist, without a Brand upon separate Assemblies, to raise again the Seeds of Fatal Animosities; but as to the Places of Magistracy and Publick

lick Trust, already comprehended in the Test, as they concern the Security of State much more, so they affect the Body of Dissenters much less, than those in the Corporations; for which Cause, what is to be said in their Behalf is more properly referr'd to that Head. It would also be very unbecoming any sort of Men to enter into Argument with their Governors upon those high Points, which are so absolutely in the Legislature to judge of and determine; 'tis not fit for me so much as to offer an Opinion: An Explanation of the Test, more to the Disadvantage of Dissenters, might indeed deprive several of some profitable Places, in the Royal Household, the Exchequer, the Navy, the Excise, the Customs, and elsewhere; but the Magistracy of the City would be the chief Import of this Matter; concerning which, what Inconveniences have arose to the Government from the Course of Things for near 20 Years past there, and how an Alteration in it will any Ways tend to the Advantage of the State, is equally to me undiscernable; but this I do adventure to say, that if Men, whom the Negative Qualification of this Bill would have rendred incapable to serve in such Offices, should have been finable nevertheless for not serving them, and that *toties quoties*, as the Humour of the World might lead, that sort of Persecution might possibly rise pretty high.

2dly, It remains to examine what the proposed Bill would have introduced *de novo*, upon the Head of the Corporation Act distinctly; the Clause whereof, expressive of the Offices it would affect, is in these Words: *Any Mayor, Alderman, Recorder, Bayliff, Town-Clerk, Common-Council-man, or other Person, bearing any Office of Magistracy, or Places, or Trusts, or other Employment, relating to, or concerning, the Government of the respective Cities, Corporations, Boroughs, Cinque-Ports, and their Members, and other Port-Towns.* As to so much hereof as concerns Magistracy, the Test Act having better provided, my Discourse is to be henceforth restrained to what herein touches only the Intrinsick and Inferior Employments, relating to the several Boroughs respectively, wherein the
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Security of the Church and State does not seem to be much concerned.

Most of our Laws have sprung from the evident Necessities of the Times, and so came in as Remedies to the proper Distempers of them, which is in none more apparent than this of the Corporations the 13. Car. II. Those deplorable Confusions which had tormented the Nation, for nigh 20 Years preceeding, lay fresh upon the Minds of the Parliament, when that Act was made; and 'tis evident that nothing but so extraordinary a Juncture could have excused some Parts of it: Nay, it was principally founded upon Reasons so peculiar to that time, they are far from being pertinent to ours, for there is now no solemn League and Covenant needs to be renounced; the Declaration in it, that it is not lawful, upon any Pretence whatsoever, to take up Arms against the King, and of Abhorrence of that traiterous Position of doing so by his Authority against his Person, or those commission'd by him, (which was the Touchstone of the said Act and Times) is now utterly abrogated, and no Person henceforth can be obliged to take the same, as appears in the Act Primo W. and M. for appointing other Oaths; the Oaths of Supremacy and Allegiance therein are also chang'd; the Power given by it to the Crown, to Constitute Commissioners for Two Years to turn out, and put in the Corporation Officers ad libitum, though they were conformable to the Qualifications required by the Act, was an Extravagance the present Age would scarce approve; the Preamble speaks of it as a thing too well known, that notwithstanding His Majesties unparallell'd Goodness, in pardoning what was past, there were many evil Spirits still working. We do not therefore herein go about to censure the Measures of that Act, as they were suted to the Juncture; but as the Reasons, the Jealousies and Foundations, whereon that Act was built, were so appropriate to that time, that the several Parts of it here above mention'd (as unsuitable to any other) are since abolish'd. It is pretty clear that the primary Intent thereof had its full and due Effect from the Commissioners Power, and the Imposition of renouncing

cing the Covenant and Declaration of Fidelity, for there was little regard had to it at the time that a more effectual Security to the Church was provided by the Test.

We come therefore to consider in the next Place, what remains yet unrazed of that Act in 13. Car. II. for well governing and regulating Corporations; and then will clearly be discern'd what the proposed Bill would have superadded, touching the Offices of Magistracy, the Test Act has much better and effectually provided, which has been already consider'd; and therefore as to what is distinctly under my present Head of Discourse to be treated of, there remains in Substance of the Corporation Act yet in Force no more than this, *That no Man shall be Placed, Elected or Chosen in or to any Offices, or Places, or Trusts, or other Employment relating to, or concerning the Government of the respective Boroughs, &c. who has not within One Year before such Election taken the Sacrament according to the Rites of the Church of England; in Default whereof every such Election is thereby declared to be void.* This being the full Import of the said Act at present, it is upon that Foot a Measure must be taken, what and how much the intended Bill would have enacted new upon this Head; it cannot be amiss here to observe, that the Corporation Act was the first after the Restauration, which directly affected the Dissenters as such.

Now in Corporations there are many Offices of a private and inferior Nature, (which cannot be fully specified, because they are so various in the respective Boroughs) whereon the Safety of the State does not appear manifestly to depend, but regard only the Affairs of the particular Town within it self. Some of these are Freeholds, and many of them the whole Subsistence of Families, which have been obtained by Purchase or long Services, or attained by Custom of Course. Several of these the Dissenters are now possess'd of, and perhaps have enjoyed many Years, under an Obedience to all such Terms, as the Law now in being has prescribed; and to dispoil Men of their Freeholds and Possessions by a new Law, without Imputation of any Crime; and when the Security of the Government does not appear

appear manifestly concern'd, is sure among English Men very hard.

That the Dissenters at this Day are not Disaffected to the Queen and Establish'd Government, nor chargeable with Rebellion past, nor meditating new Troubles, or any ways dangerous to the State, (under which Characters the Corporation-Act consider'd them) the Preamble of this very Bill now in Debate does intimate: For it asserts, That *the Act in the first Year of the Reign of the late King William and Queen Mary, of Ever-glorious Memory, entituled, An Act for Exempting Their Majesties Protestant Subjects, Dissenting from the Church of England, from the Penalties of certain Laws, was in due Consideration, that Persecution for Conscience only was contrary to the Profession of the Christian Religion and Doctrine of the Church of England.*

If then the Dissenters under an Obedience to all such Terms as the Law now in being has prescribed, do possess many inferior Offices in Corporations, which the present Bill, when passed into an Act, would immediately seclude from; besides those in the Magistracy, the Navy, the Customs, the Excise, the Royal Household, and others, which under the Head of the Test-Act it would also deprive them of, then (sure enough) it takes from the Dissenters, what they enjoyed before by Law, and is not this to enact something new? Moreover, the Dissenters at any time, upon the present Terms of Conforming, are now admittable to any Office of what Quality soever in the Kingdom; but by this Bill they would have a total Incapacity put upon them, in respect to those under the Test and Corporation Acts above-mentioned. Which Incapacity after the first Offence would extend to Offices of Inheritance, and in the Forests, Non Commission Offices in the Fleet, and many more, such as neither the Test or Corporation-Acts, or any other, ever did, or intended to exclude them from.

It has been already insisted, That all the Offices wherein the Safety of Church and State are manifestly concern'd, are comprehended within the Test, and that the inferior Offices in the Boroughs do not come under the same Considerations;

tions; to have therefore the same Reasons of State urged for an equal Animadversion upon the latter, seems very unequal; for it brings great Difficulty on the Commercial Sort of Men, to argue on those Topicks, while they plead for no more than quiet Cohabitation with their Neighbours. But if it be argued, that those poor Emolumen's in the Boroughs, which the Safety of the Government might (doubtless) well enough indulge them, came within the Intent at least of the Corporation-Act to deny to the Dissenters, how should they judge of it but very severe, to have that Act so explained and enforced to their Disadvantage, that it should take Place more in the Reign of Her Gracious Majesty than it has done in any time preceding?

In this Case the Dissenters do humbly apologize for themselves (as it imports them) that granting whatever was designed by this Bill, was the Intent then of the Corporation-Act, they do not now stand in the same Place the last Age did at the passing thereof; the present Generation it cannot be pretended have brought upon the Church and State, Confusions, Ruin and Desolation; they have no Ways disturbed the Peace of either, but have by *Testimonies incontestible shew'd, that neither their Principles or Practice are inconsistent with Monarchy, but contrariwise most conformable to the present Government and Settlement of the Crown, nor are there any evil Spirits working of Rebellion among them.* If therefore the Intent of the Corporation-Act was built upon Reasons peculiar to that time, they do entirely submit it to Consideration, whether a pursuing of the same Intent now, and giving (by the negative Qualification and Penalties of this Bill) an Extent and Force to it, which in the Institution, or since it never had before, without any like Cause on their Part, would not be in the Nature of punishing the Innocent for the sake of the Guilty, which they do not doubt will be far from so Wise, Just and Good a Government; but the proposed Bill they conceive upon the Head only of the Corporation-Act, would have brought upon them the extraordinary Hardships and Difficulties here following.

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1st, The Qualification for Offices being made to consist in the utmost Distance and Aversion unto them, will be a Brand of Ignominy and Reproach upon the whole Body of Dissenters, so that an Emulation in casting Injuries and Contempt upon them may in a little time be thought the best Recommendation, and nearest Way to Preferment; is it just therefore that the whole Body should suffer for the sake comparatively of a very few, who have occasionally Conformed?

2^{dly}, Reviving the Acts against Seditious Conventicles in part, and giving a new Force to that of the Corporations, they fear will give too much Occasion to Men of violent Tempers, to declaim that they lye still under the same odious Imputations of Disloyalty charged upon them by those Acts, as if they gave really any manner of Jealousie to the State now; which Clamour (however causeless) when it shall be industriously vented, would be in it self a very heavy Affliction.

3^{dly}, *The Freeholds and Offices of an inferiour Nature, in 600 Towns of England, or thereabouts, which have been obtained by Purchase or long Services, or in Course, some of them the whole Subsistence of Families, and of long time possess'd, under an Obedience to all the Terms prescribed by Law, would not only be immediately lost to the Possessors, but an Incapacity would lye upon all Dissenters for the future of attaining the like, and (after the first Offence) any other Offices in the Kingdom whatsoever; but they hope the Crime charged upon some few of them, is not of so detestable a Nature, that they ought all to be reduced to so unhappy a Condition for it.*

4^{thly}, *In many Corporations the Election of Members to serve in Parliament, is only in such as are concern'd in the Government of them, and giving a Vote for a Representative in Parliament, is the essential Privilege whereby every Englishman preserves his Property, and whatsoever deprives him of a Capacity for having such Vote, deprives him of his Birthright. The Magistracy of Corporations, which by the Test-Act now takes Place is one thing, but the Offices affected by the new Bill would be quite another.*

5^{thly},

5thly, There have been for several Towns and Cities Acts passed of late Years, for setting the Poor on Work therein, and punishing Vagrants, besides the former ancient Hospitals; touching which the Dissenters are likely by this Bill to have been excluded the appearing usefully in their Places, which is a Mark of Dishonour on them, as well as Discouragement to charitable Intentions.

6thly, To leave Protestant Dissenters subject to Fines and Penalties, if they do not accept Offices (toties quoties) and at the same time if they do accept, to restrain them upon the severe Penalties of this Bill from doing what their Conscience obliges to, whether this would not (against the Intent of the Bill) be Persecution for Conscience sake, all good Men might be left to judge, but they only would feel, and every Borough in England at Discretion be left to proportion the Degree.

7thly, The Dissenters have Reason to fear innumerable Injuries and Oppressions (besides these mention'd) would be their Lot, in all municipal Rates, Freedoms, Duties, Privileges, Services, Parish-Offices, and every sort of Inter-course with their Townsmen and Neighbours. When upon Complaint of any such Injuries those Fellow-Citizens, who only have Power to do them Justice, are like to suffer in their own Reputations, Interests and Employments for so doing, as Favourers of the phanatical, excluded, Party.

These Considerations of their suffering, though they appear evident and unavoidable, are with all Candor and Resignation referr'd to the Judgment of others; but the Dissenters must crave Leave to add, that they would be the more pungent and sensible upon Persons not chargeable by the Bill with any Offence, because without Penal Laws and their Attendants, with the clamorous Insults of the Prophanes and designing, the very dissenting from the Publick, is in it self (as to earthly Things) many ways a Misfortune, which nothing but unpretended Conscience (however mistaken) would oblige them to.

Thirdly, The Penalties, which are the last Part of the Bill, shall be consider'd under Three Heads. 1st, What Suta-

Sutableness there is in them to the Act of Indulgence.
 2dly, What Proportion between the Protestant Dissenters
 and Popish. 3dly, What Danger from thence to the Inno-
 cent.

1st, For the Sutableness there is in these Penalties to
 the Act of Indulgence; it may sure be granted, that *the*
good Effects of Liberty to tender Consciences are every-
where visible, that the foregoing Bitterness and Animosities
are much calmed, the Dissenters brought to a Temper of Re-
spect, and more Candor towards the Church, and the Church
satisfied by sufficient Experience, that the Freedom of others
does not lessen Her Security and Reputation. Thus is our
Sion at Unity within Her self, and the Unity of the Spi-
rit in the Bond of Peace (according to the Prayer of our
Church) preserv'd. One cannot therefore lay to Heart the
 Peace of our *Jerusalem* without some Concern, lest the
 Severities of this Bill should contribute to disturb it;
 for besides that it would dispossess immediately Persons
 legally vested with Places, and affect many Offices which
 no Law did before, and many ways be injurious in the
 Boroughs, and leave Men to occasional Persecution for
 Conscience sake, and be a Brand upon all the Assemblies
 of Dissenters, as already has been instanced, there are in it
 some further Peculiarities of Punishment.

Before the Act of Indulgence, while Conventicles were il-
legal and Criminal Assemblies, even then a Man in Office,
who was present at them, was only liable to a
Fine of Ten Pounds, whereas by this Bill he is liable to
a Fine of 100 l. and 5 l. per Diem for Three Months, be-
sides Loss of his Place. The Sum you see may amount
 to 550 l. which is more than would need to beggar some
 Thousands of Corporation; and other Officers in England,
 whould be liable to it, and the more in Danger, because
 the whole Sum goes to the Informer, which is good Booty
 for that sort of Privateers; and the rather, when a Con-
 viction on this Bill, would not be so difficult, as in most
 other Cases.

The Dissenters during the worst of their Prosecutions here-
 tofore, upon a visible Conformity, without Renunciation or
 declared

declared Abhorrence of their former Practice, were at any time capable of Places of Profit and Trust, but this Bill draws over all their Heads a dismal Cloud of Incapacity. None will deny but a total Incapacity to serve his Prince and Country is a Mark of high Infamy, so that next to the Loss of Life it seems the heaviest Punishment, and in the several Towns Corporate of England (which may probably be 6 or 700) to be rendred by Law incapable, of ever acquiring the Support of any of those little Places which appertain to them, besides those of Profit under the Head of the Test-Act, and those many more (upon Conviction) which no Law yet has ever affected, is altogether (if consider'd) a very unhappyy Condition; but after the immediate Forfeiture of all the several Offices, now legally possess'd by the Dissenters, upon the Passing of this Bill, then a Person might still go to a Meeting, without Breach of any Law (as long as the Toleration continues) and one would think such a Man were *bonus & legalis homo*, and capable of the Privileges of a free-born Subject, and at Liberty to provide for his Family and Maintainance, but to impose a severe Censure on any Action allowed by Law, seems very unreasonable; however that be, there would remain upon all and every Man of the Dissenters, an Incapacity not only as above, but (after the first Offence) for any Office or Employment whatsoever within the Kingdom, in which Regard this Bill would extend to Offices of Inheritance, and in the Forests, Non-Commission Offices in the Fleet, with many more, which neither the Test or Corporation-Acts, or any other, ever could affect, or ever intended so to do.

As to the Shame and Incapacity of one Convicted upon this Bill; that is to say, before he ever again could enter by Grant or Election, into any Office or Employment within the Kingdom of England, he must at the next Quarter-Sessions of the County where he resides, or in one of Her Majesties Courts at Westminster, in publick and open Court make Oath in writing, that within the Year foregoing he has not once been present at any Conventicle, but has Three times at the least receiv'd the Sacrament at the Church; which

which Oath is to be kept upon Record. This would not be so much worthy of Consideration, nor the Aggravation of the Sentence on a second Offence (as a Relapse and Apostacy) if the value of the Forfeiture, and Easiness of Conviction, did not put too much Hazard on the Innocent, even after such Purgation, as well as before it.

2dly, The Proportion by the Penalties of this Bill, between the Protestant and Papist, is to be scanned by Two Ways: *First*, By examining whether they are equally liable to Loss of Offices, and suffering the Punishments. 2dly, What Difference there is otherwise. For the *first*, the Test being more expressly contrived, to eject all Popish Recusants, and the Complexion of the Times since the Grand Revolution, not favouring them, every Man will agree with me, that the immediate Loss to them upon passing this Bill would be nothing, they have no Concern in the Matter; but on the other Hand the Dissenters (*under the Terms hitherto required by Law*) do possess many Offices, as has been distinctly intimated, the first Loss to them thereupon would upon many Accounts be very considerable. Now for the Punishments sufferable by this Bill, the Dissenters enjoying a Liberty upon Condition of open Doors, a Conviction would at all times be more feasible upon them, than the Papists, who are enforced to conceal their Worship by other Laws. Furthermore, the Nature of the Protestant Worship requires all their Attendants at once, whereas that of private Masses need not engage above Five, besides the Family in the same Instant. Thus the Papist would not be so exposed to the Forfeitures, Fine and Incapacity, as the Protestant.

The Difference otherwise between the Popish and Protestant Dissenter is no more than this; that whereas the Test-Act did more expressly intend the Papist, and the Protestant was but tacitly included, the Bill under Consideration uses such Terms only as have been appropriate to Protestants, and herein the Papist is but tacitly included, however he is equally reach'd by the Intention and Penalties hereof; and thus the Popish Dissenter and Protestant do stand upon a Par; but granting the Papist is not liable to Loss of Be-

rest at all, or to suffering the Penalties like the Protestant, because Conviction is more difficult upon him, *no Man is made liable to suffer so much by any other Law, for assisting at the solemnest Acts of that Religion, as he would by this Bill, for being present at a Conventicle.* A Popish Convict, receiving the Sacrament of the Church is immediately clear'd; no such Shame of Renunciation; no Incapacity lyes upon him. A Papist that shall relapse, and fall under a second Conviction, is to be convicted over again, without any Aggravation of his Censure. But Justice and good Policy require there should be a Proportion between the Offence and Punishment. Thus the Laws of England have all along treated Papists as the most inveterate, restless and formidable Enemies of the State, because they depend upon a Foreign Power, and are subject to it, which is such a one as always was, and ever will be employed to ruin us, therefore there has constantly been a less degree of Punishment in the Laws upon the Protestant Dissenter than them. This Reason, if I be not mistaken, has a considerable Accession of Weight to it in our Days, the Papists having refused, since the late Revolution, their Allegiance to the Crown of England more than ever from the early Days of the Reformation.

Lastly, Let us consider what Danger would arise from the Penalties of this Bill to the Innocent, for their Safety seems the highest Concern of all Laws. Now for the Administrations in publick, according to the Liturgy of the Church, though for want of it before University Sermons, or upon an Omission of Prayer for the Royal Family, or upon contravening the Practice of the Church of England, Men would come within the Letter of this Bill, which is a Condition not wholly out of Danger, yet 'tis likely the obvious Design of it being against Dissenters, would render a Prosecution in those Cases fruitless; however, Family Prayers differing from the Liturgy, at which should be present more than Five accidentally above the Household, (Circumstances not uncommon) would clearly come within Reach, and then the Villany of a couple of bad Servants (dismiss perhaps for ill Practices) would have sufficient Encouragement:

couragement: But the greatest Danger to the Innocent arises from Two Things in this Bill. First, From the Value of the Forfeiture, which may amount to 550 l. and is all given to the Informers, a Temptation beyond what is commonly set before them by our Laws, or what the Integrity of the Age can well assure us against; for a detestable sort of Men there has been, who for much less Gains have done wrongfully to a great many, and proved a very Nuisance to the Government, several of whom were Convicted of Perjury about 20 Years ago. 2dly, The Easiness of Conviction is another Subject of Danger to the Innocent, for as the Law in relation to Offices now stands, every Man chuses his own Witnesses to receiving of the Sacrament; whose Attestation, with that of the Ministers and Churchwardens, being put upon Record, a Man is almost beyond a Possibility of suffering by a false Accusation. But in the Bill before us 'tis not so safe, for false Witnesses may chuse to assign such a Time and Place (when they saw him at a Meeting) as they know the Party least likely to disprove, and the Accused in that Case has but a kind of Negative Proof, to defend himself withal.

As I have not presumed to draw into Argument the Disposal of Offices, wherein the Safety of Church and State did appear manifestly concern'd, so neither shall I once enter into the Thoughts of those high Affairs, which might be any ways affected by this Bill; as whether the desirable Union with Scotland may not be embarrassed thereby; whether putting all Foreign Churches under a Censure may weaken the good Understanding, which ought to be between England and her Protestant Allies; whether this Expedient bears due Regard to the Condition of like Affairs among our nearest Neighbours, Holland, Scotland and Ireland; or whether in time of so dubious a War, especially since a Pretender to our Throne is set up by the Enemy, it be proper to do any thing, which may raise Heats and Animosities among our selves; these being Matters cognizable only, by the proper Ministers of State, or the High Court of Parliament, and not fit for private Persons to debate.

As to the grand Point of their Loyalty and due Allegiance, which above all others the Dissenters are concern'd to vindicate themselves about; Her Majesties Loving Subjects, who (being Protestants, and by the Rights of Nature *English* Men) lye under the Unhappiness of dissenting in some smaller Matters of Religion, from the Establish'd Church, are abundantly satisfied from the Christian-like Preamble of this Bill, and otherwise, that in the Sacred Breast of Her most Excellent Majesty, and in those also of the Highly Honoured Lords and Commons of *England*, they stand fully acquitted from the vile and detestable Imputation of any Principles repugnant to the Safety of this Government; the Testimony of their own Consciences does equally concur, and their Behaviour shall (as they hope it does) demonstrate to all the World, that none of their Fellow-Subjects can be more devoted to the present Rightful and Lawful Settlement of the Crown; were such Imputations true, they could never with any Face complain of whatever Hardships were put upon them; but being in the Case of the present Government absolved before God and Men, they do always allow themselves to hope, that during their consonant and uniform Obedience, no Difficulties or Distresses will be laid upon them; and above all, nothing which may look like a Blemish upon their Loyalty; Her most Gracious Majesty (whom God long preserve) has several times express her Pious Parental Candor and Compassion unto them, who indeed, without the Severity of Penal Laws, are for the sake of undissembled Conscience daily under various Temporal Misfortunes, and as from that Disposition of Her Majesties, they hold the Benefits of the Act of Indulgence, (dear to them above all other earthly Considerations) none can more ardently and sincerely than they, constantly do, and will implore the choicest Blessings of Heaven, upon Her Excellent Majesty, and all their Governors.

To dissent from the Publick, they are sensible is always to be in the Wrong; but if instead of the few Things scrupled, wherein they are involuntarily so, their Union in the Essential, and more important Points of Religion

gion with the Church, might find a due Consideration, they doubt not but all Reproaches upon them, of any hostile Dispositions towards it, would also be done away. This is what, next to an affectionate Allegiance to the State they could desire most, to vindicate to themselves the Character of, and which they have for many Years, by all Means so endeavour'd, that if the unfriendly Passions of some Men, with the visible Interest of the Papists, had not hindred, the same would long e'er this have crown'd their Wishes with an universal Attestation: To dissent touching Matters civil and common, from any Society we are in, I appeal to all Men, does it imply Ill-will to it? Why then should it be construed so in the Case before us? Or if we please, why not quite otherwise?

The Church of *England* is it not as a City, which has an ambitious and powerful Enemy in the Field? She has indeed other Fortifications more near and proper, but why may not the Dissenters to her also be accounted, as detached Outworks and Lines of Defence? Had ever the common Enemy a Design immediate to execute upon this City, but first his secret Engines were wrought to breed Misunderstanding between the Town and her Dependants, then open Attacks were made upon the separated Forts; and while many Storms have fallen upon those, their Fidelity to the Town has been the more approv'd, but the City it self secure? No Persecutions could extort any Petition from them for a Toleration of Popery. But after a long and obstinate Defence, when those outward Posts came to be abandon'd and demolish'd, did not the Enemy soon get within the Town? The Papists ('tis true) when once possess'd of their Conquest, to secure against the Revolt of it, though before by open Force they had taken and levell'd all those Redoubts, did then officiously erect them anew, thinking to serve their Interest of them: But the Dissenters, glad of Liberty indeed (who can blame them?) no sooner discover'd the Enemy's Design, then they adhered to their ancient Mother and Principal.

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The Author hereof, to obviate undue Constructions, thinks fit to declare he is not liable to the Loss of any Office by the foresaid Bill, nor has he reaped any personal Advantage from the Revolution, or any ways from the Government since; but the true Occasion of this Discourse was, not so much a Respect to the Dissenters, as an accidental Computation in himself, of the flourishing Estate of the Reformed Interest in Europe, in the Commencement of the last Century, and of the dismal Declension of it at the latter end, which gave him Occasion to reflect, that in Humane Appearance, the only defensible Bulwark of it now must consist, in the Welfare of our Government; and an indissoluble Union with *Holland*. Upon which Occasion, considering that the Indemnity of Dissenters from Penal Laws, was by the Act of Indulgence declared an effectual Means to unite our Protestant Fellow-Subjects in Interest and Affection, He could not but conclude, that the imposing new Penalties and Sufferings would disunite them; and what can look more fatal upon us than to see buried Animosities flame out afresh? Who can tell but a Breach, when open'd, may, beyond all our Foresight, grow in time so wide, that the merciless Usurpations of *France* and *Rome* may enter at it?

But as to our Days, the Hope and Wishes of our Enemies shall be disappointed, if we will listen to the Direction, which the pious and prudent Authority over us has prescribed, in appointing on the late Solemn Fast (to obtain Success in this War, whereon the Safety of the Kingdom does wholly depend) this Prayer for our Use, and the God of Mercy vouchsafe us a favourable Answer to it. Give us Grace, O Lord, seriously to lay to Heart the great Dangers we are in, by our unhappy Divisions; take away all Hatred and Prejudice, and whatsoever else may hinder us from Godly Union and Concord. That as there is but one Body and one Spirit and one Hope of our Calling, one Lord, one Faith, one Baptism,

Baptism, one God and Father of us all, so we may henceforth be all of one Heart, and of one Soul, united in one Holy Bond of Truth and Peace, of Faith and Charity, and may with One Mind and One Mouth, glorifie thee, O God, through Christ Jesus our Lord. Amen.

F I N I S.

God, through Christ Jesus our Lord, Amen.
and say with One Mind and One Mouth, Gloria Patri,
Thou Word of Truth and Power, of Truth and Power,
forth be all of our Power, and of our Faith, and of our
hope, and God and Father of us all, Amen.



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